

**IC 34-58**

**ARTICLE 58. SCREENING OF OFFENDER LITIGATION**

**IC 34-58-1**

**Chapter 1. Screening Procedure**

**IC 34-58-1-1**

**Action upon receipt of offender complaint**

Sec. 1. Upon receipt of a complaint or petition filed by an offender, the court shall docket the case and take no further action until the court has conducted the review required by section 2 of this chapter.

*As added by P.L.80-2004, SEC.6.*

**IC 34-58-1-2**

**Frivolous, nonjudicial, or moot claims barred; dismissal of claims by a person falsely claiming indigent status**

Sec. 2. (a) A court shall review a complaint or petition filed by an offender and shall determine if the claim may proceed. A claim may not proceed if the court determines that the claim:

- (1) is frivolous;
- (2) is not a claim upon which relief may be granted; or
- (3) seeks monetary relief from a defendant who is immune from liability for such relief.

(b) A claim is frivolous under subsection (a)(1) if the claim:

- (1) is made primarily to harass a person; or
- (2) lacks an arguable basis either in:
  - (A) law; or
  - (B) fact.

(c) A court shall dismiss a complaint or petition if:

- (1) the offender who filed the complaint or petition received leave to prosecute the action as an indigent person; and
- (2) the court determines that the offender misrepresented the offender's claim not to have sufficient funds to prosecute the action.

*As added by P.L.80-2004, SEC.6.*

**IC 34-58-1-3**

**Order if claim barred**

Sec. 3. If a court determines that a claim may not proceed under section 2 of this chapter, the court shall enter an order:

- (1) explaining why the claim may not proceed; and
- (2) stating whether there are any remaining claims in the complaint or petition that may proceed.

*As added by P.L.80-2004, SEC.6.*

**IC 34-58-1-4**

**Duty of the clerk**

Sec. 4. The clerk of the court shall send an order entered under

section 3 of this chapter to:

- (1) the offender;
- (2) each defendant or respondent in the action;
- (3) the department of correction, if the offender is incarcerated by the department of correction;
- (4) the sheriff of the county in which the inmate is incarcerated, if the inmate is incarcerated in a county or city jail; and
- (5) the attorney general.

*As added by P.L.80-2004, SEC.6.*